

THE SPEAKER:⁽⁴⁾ That is the only motion that would be in order under the rule.⁽⁵⁾

Amendment Reported in Disagreement by Conferees

§ 26.19 A motion to recommit an amendment reported in disagreement by the conferees is not in order.

On Oct. 17, 1967,⁽⁶⁾ the House was considering the conference report and amendments in disagreement on H.R. 11476, appropriations for the Department of Transportation for fiscal 1968. After the conference report had been agreed to, the House proceeded to consider the amendments reported in disagreement, when Mr. Sidney R. Yates, of Illinois raised the following parliamentary inquiry:

MR. YATES: Mr. Speaker, is it in order to move to recommit this particular amendment to conference?

THE SPEAKER:⁽⁷⁾ The Chair will state to the gentleman from Illinois that at this point it would not be in order to do so.

4. Sam Rayburn (Tex.).

5. See also 106 CONG. REC. 9416, 9417, 86th Cong. 2d Sess., May 4, 1960.

6. 113 CONG. REC. 29044, 29048, 29049, 90th Cong. 1st Sess.

7. John W. McCormack (Mass.).

§ 27. Priorities in Recognition

Speaker's Power of Recognition

§ 27.1 On one occasion the Speaker took the floor in the Committee of the Whole to state that it was his prerogative to recognize any member of the minority for a motion to recommit when no member of the committee offers a motion.

On Feb. 3, 1944,⁽⁸⁾ the Committee of the Whole was considering S. 1285, relating to voting by members of the armed forces. Mr. Joseph W. Martin, Jr., a Republican from Massachusetts, had indicated that he would be glad to have either Mr. Eugene Worley, a Democrat of Texas, or Mr. John Z. Anderson, a Republican of California, recognized to offer a motion to recommit. Mr. John J. Cochran, of Missouri, then yielded the floor to Speaker Sam Rayburn, of Texas:

MR. RAYBURN: I trust that this colloquy will not take away from the Speaker what has always been his prerogative, to recognize any member of the minority to offer a motion to recommit when no member of the committee offers a motion.

8. 90 CONG. REC. 1221, 1222, 78th Cong. 2d Sess.

MR. COCHRAN: In my opinion no Member on the minority side who is a member of the committee can stand up, in view of the fact that they all signed the report, and say he is opposed to the bill. Therefore some person outside of the committee will have to do it.

MR. MARTIN of Massachusetts: Mr. Chairman, will the gentleman yield?

MR. COCHRAN: I yield.

MR. MARTIN of Massachusetts: There will be no minority member of the committee, in my opinion, who can stand up and say he is opposed to the bill, but I would like to address a word or two to my beloved friend, the Speaker. I realize it rests with the Speaker to recognize the Member to make the motion to recommit. The clear intent of the rule, however, in my opinion, is to give that weapon of recommitment to the minority and not to any minority of the minority.

MR. RAYBURN: I just wanted to make it entirely clear that I always recognize somebody in the minority if they qualify, but I could not allow anybody to commit me to recognize any particular member of the minority. The gentleman from Massachusetts would not ask me to do that, nor would he want that done to him were our positions reversed.

What Constitutes Recognition

§ 27.2 The mere fact that the Speaker asks a Member "for what purpose does the gentleman rise" does not extend recognition to such Member to offer a motion to recommit.

On Apr. 13, 1946,⁽⁹⁾ the House was considering H.R. 6064, authorizing an extension of the Selective Training and Service Act. The following occurred:

THE SPEAKER:⁽¹⁰⁾ The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

The Speaker: The question is on the passage of the bill.

MR. [DEWEY] SHORT (of Missouri): Mr. Speaker.

MR. [EDWARD E.] COX (of Georgia): Mr. Speaker.

THE SPEAKER: For what purpose does the gentleman from Missouri rise?

MR. SHORT: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: For what purpose does the gentleman from Georgia rise?

MR. COX: Mr. Speaker, it was my purpose to demand a reading of the engrossed copy of the bill.

MR. [MALCOLM C.] TARVER [of Georgia]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. TARVER: Mr. Speaker, may a demand be made for the reading of the copy of the engrossed bill after the proceedings which have just taken place and after the Clerk has read the bill which was considered engrossed?

THE SPEAKER: The bill was ordered to be engrossed and read a third time. The gentleman from Georgia was on his feet at the time.

9. 92 CONG. REC. 3669, 79th Cong. 2d Sess.

10. Sam Rayburn (Tex.).

Does the gentleman from Georgia insist upon his demand that the engrossed copy of the bill be read?

MR. COX: Mr. Speaker, my making demand that the engrossed copy of the bill be read does not indicate my opposition to the bill.

MR. SHORT: Mr. Speaker, I am opposed to the bill.

MR. COX: I was compelled to make the demand and I did make it.

THE SPEAKER: The gentleman from Georgia [Mr. Cox] demands the reading of the engrossed copy of the bill. The Chair will state that with the number of amendments agreed to, it would be impossible to have the engrossed copy of the bill this afternoon.

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state it.

MR. MARCANTONIO: Mr. Speaker, if I understood the situation correctly, the gentleman from Missouri [Mr. Short] was recognized to offer a motion to recommit.

THE SPEAKER: The gentleman from Missouri [Mr. Short] was not recognized. The Chair asked the gentleman for what purpose he rose, and then recognized the gentleman from Georgia.⁽¹¹⁾

Recognition as Dependent on Opposition to Measure

§ 27.3 In recognizing a Member to move to recommit, the Speaker determines if the Member qualifies as being opposed to the bill.

11. See also 101 CONG. REC. 9379, 84th Cong. 1st Sess., June 28, 1955.

On April 27, 1966,⁽¹²⁾ the House was considering H.R. 10065, the Equal Employment Opportunity Act of 1965. After the engrossed copy of the bill was read Mr. Joe D. Waggonner, Jr., of Louisiana, was recognized, and the following occurred:

MR. WAGGONNER: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:⁽¹³⁾ Is the gentleman opposed to the bill?

MR. WAGGONNER: I am, Mr. Speaker.

THE SPEAKER: The Clerk will report the motion to recommit.⁽¹⁴⁾

Member's Attitude Toward Measure is Only Relevant Inquiry

§ 27.4 The Speaker recognized a Member for a motion to recommit who stated that he was opposed to the form of the bill, although another Member said he was unqualifiedly opposed to the bill.

On Mar. 12, 1964,⁽¹⁵⁾ the House was considering H.R. 8986, relat-

12. 112 CONG. REC. 9153, 89th Cong. 2d Sess.

13. John W. McCormack (Mass.).

14. See also 95 CONG. REC. 3110-15, 81st Cong. 1st Sess., Mar. 24, 1949; and 86 CONG. REC. 11938, 76th Cong. 3d Sess., Sept. 11, 1940.

15. 110 CONG. REC. 5147, 88th Cong. 2d Sess.

ing to salary increases for federal officers and employees. The following then occurred:

MR. [ROBERT J.] CORBETT [of Pennsylvania]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:⁽¹⁶⁾ Is the gentleman opposed to the bill?

MR. CORBETT: I am opposed to the bill in its present form.

THE SPEAKER: The gentleman qualifies.

MR. [H.R.] GROSS (of Iowa): Mr. Speaker—

THE SPEAKER: For what purpose does the gentleman from Iowa rise?

MR. GROSS. Under the rules of the House, Cannon's Procedure in the House of Representatives, a member of the committee who is unqualifiedly opposed to the bill takes precedence over a member who qualifies his opposition.

THE SPEAKER: The Chair understands that the gentleman from Pennsylvania is opposed to the bill in its present form.

MR. GROSS: I am opposed to it unqualifiedly.

THE SPEAKER: Since the gentleman from Pennsylvania is opposed to the bill in its present form, the Chair rules that the gentleman from Pennsylvania qualifies.

The Clerk will report the motion to recommit.⁽¹⁷⁾

Acceptance of Member's Declaration of Opposition

Parliamentarian's Note: The following precedents demonstrate

16. John W. McCormack (Mass.).

17. See also 104 CONG. REC. 12974, 85th Cong. 2d Sess., July 2, 1958.

the current and the older practice with respect to qualifying to offer the motion to recommit. Under the current practice (§§ 27.5–27.9, *infra*) a Member opposed to the bill “in its present form” qualifies. The earlier rulings (§§ 27.10, and 27.11, *infra*) illustrate a distinction between qualified and total opposition.

§ 27.5 Members of the minority have preference of recognition for motions to recommit and, if they qualify as being opposed to the bill, the Chair never questions their veracity.

On Apr. 8, 1957,⁽¹⁸⁾ the House was considering H.R. 6500, making appropriations for the government of the District of Columbia and for other purposes. Mr. Paul C. Jones, of Missouri (of the majority party), and Mr. Earl Wilson, of Indiana (of the minority party and a member of the Committee on Appropriations), rose at the same time to offer motions to recommit.

MR. JONES of Missouri: Mr. Speaker, I offer a motion to recommit.

MR. WILSON of Indiana: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:⁽¹⁹⁾ Is the gentleman from Indiana opposed to the bill?

18. 103 CONG. REC. 5294, 85th Cong. 1st Sess.

19. Sam Rayburn (Tex.).

MR. WILSON of Indiana: I am.

THE SPEAKER: The gentleman qualifies. . . .

MR. JONES of Missouri: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. JONES of Missouri: When a Member makes a motion to recommit and the Chair asks him if he is against the bill, would the proceedings during the afternoon when he is for the bill—

THE SPEAKER: The Chair never questions a Member about his motives or whether or not he is telling the truth.

MR. JONES of Missouri: I was just asking for information.

THE SPEAKER: The gentleman from Indiana offered a motion to recommit. The motion always goes to the minority if they desire it, and the gentleman qualifies by saying he was opposed to the bill.

§ 27.6 When a Member has stated that he is opposed to a bill, the Speaker will not entertain a point of order against a motion by that Member to recommit with instructions on the grounds that the motion shows the Member not to be opposed and not qualified.

On July 2, 1958,⁽²⁰⁾ Mr. John Taber, of New York, rose and was recognized by the Speaker.

MR. TABER: Mr. Speaker, I offer a motion to recommit.

²⁰ 104 CONG. REC. 12974, 85th Cong. 2d Sess.

THE SPEAKER:⁽¹⁾ Is the gentleman opposed to the bill?

MR. TABER: I am.

Mr. Homer H. Budge, of Idaho, inquired whether he, who was unqualifiedly opposed to the bill, was entitled to prior recognition to offer a motion to recommit.

THE SPEAKER: The gentleman from New York has qualified by his statement that he was opposed to the bill. What other thought the gentleman from New York may have had in his mind the Chair is unable to determine.

The Clerk will report the motion.

The Clerk read as follows:

Mr. Taber moves to recommit the bill to the Committee on Appropriations with instructions to report the same back forthwith together with the following amendment: Page 2, line 10, strike out "\$700,000,000" and insert in lieu thereof "\$775,000,000."

At this point Mr. Clare E. Hoffman, of Michigan, rose to a point of order.

MR. HOFFMAN: Mr. Speaker, I make a point of order against the motion to recommit on the ground that the motion itself shows that the gentleman is not qualified.

THE SPEAKER: The Chair cannot entertain such a point of order after the statement made by the gentleman from New York.

Effect of Qualified or Limited Opposition

§ 27.7 Where a Member seeking recognition to offer a motion

1. Sam Rayburn (Tex.).

to recommit a bill states he is opposed to “some features” of the bill, the Chair may conclude that he is opposed to the bill and therefore recognize him to make the motion.

On Apr. 15, 1948,⁽²⁾ the House was considering H.R. 6226, supplemental national defense appropriations for 1948. After the engrossed copy of the bill was read Mr. John H. Kerr, of North Carolina, was recognized.

MR. KERR: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:⁽³⁾ Is the gentleman opposed to the bill?

MR. KERR: I am opposed to some features of it.

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, a point of order. The gentleman says that he is opposed to some features of the bill. My understanding of the rules is that the gentleman must be opposed to the bill.

THE SPEAKER: The gentleman has stated that he is opposed to some features of the bill, and the Chair must interpret that to mean that he is opposed to the bill.

The gentleman from North Carolina qualifies. The Clerk will report the motion to recommit.

§ 27.8 The Speaker indicated in response to a parliamen-

2. 94 CONG. REC. 4547, 80th Cong. 2d Sess.

3. Joseph W. Martin, Jr. (Mass.).

tary inquiry that a minority member of a committee reporting a bill who is opposed to the bill “in its present form” qualifies to offer a motion to recommit since he is opposed to the bill then before the House.

On Apr. 16, 1970,⁽⁴⁾ the House was considering H.R. 16311, the Family Assistance Act of 1970. Mr. Harold R. Collier, of Illinois, was then recognized to offer a motion to recommit.

MR. COLLIER: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:⁽⁵⁾ Is the gentleman opposed to the bill?

MR. COLLIER: In its present form I am, Mr. Speaker.

THE SPEAKER: The gentleman qualifies.

MR. [PHILLIP M.] LANDRUM [OF GEORGIA]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state the parliamentary inquiry.

MR. LANDRUM: Mr. Speaker, is it not true under the rules of the House that the motion to recommit should go to one who is unqualifiedly opposed to the bill?

THE SPEAKER: The Chair will state that a Member who states that he is opposed to the bill in its present form qualifies.

MR. LANDRUM: Mr. Speaker, is that not a modification of the rule that a

4. 116 CONG. REC. 12063, 12092, 91st Cong. 2d Sess.

5. John W. McCormack (Mass.).

Member in order to qualify must be opposed to the bill?

THE SPEAKER: The gentleman from Illinois (Mr. Collier) qualifies because he has stated he is in opposition to the bill in its present form, which is the bill now before the House.

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state the parliamentary inquiry.

MR. GROSS: Mr. Speaker, the gentleman from Illinois has repeatedly stated, as recently as a few minutes ago, that he firmly supports the bill.

MR. COLLIER: Mr. Speaker, I said I firmly support the principle and the concept of the bill. That is what I said, but I am opposed to the bill in its present form.

THE SPEAKER: The gentleman from Illinois has stated that he is opposed to the bill in its present form. Therefore, the gentleman, with that statement, and upon his responsibility, qualifies.⁽⁶⁾

§ 27.9 In qualifying a Member to offer a motion to recommit, the Chair makes no distinction between a Member who states that he is opposed to the bill in its present form and another who is opposed to the bill in its entirety.

On Oct. 3, 1969,⁽⁷⁾ the House was considering H.R. 14000, au-

thorizing military procurement for fiscal 1970. The Speaker, John W. McCormack, of Massachusetts, recognized Mr. Alvin E. O'Konski, of Wisconsin, and the following then occurred:

MR. O'KONSKI: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. O'KONSKI: In its present form, emphatically yes.

MR. [OTIS G.] PIKE [of New York]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state his point of order.

MR. PIKE: Mr. Speaker, Cannon's Precedents of the House of Representatives volume 8, section 2731, says:

Recognition to move recommitment is governed by the attitude of the Member toward the bill, and a Member opposed to the bill as a whole is entitled to prior recognition over a Member opposed to a portion of the bill.

Mr. Speaker, I submit that there were two gentlemen on their feet on the other side, one of whom has voted against the bill as a whole, both seeking recognition for the privilege of offering the motion to recommit. I would submit that under that rule of the House the gentleman who stated that he was opposed to it only in its present form should yield to the gentleman who has voted against the entire bill.

THE SPEAKER: The Chair will state that the gentleman from Wisconsin (Mr. O'Konski) has stated he is opposed to the bill in its present form before the House is the bill H.R. 14000, as amended, and therefore the gentleman qualifies.

6. See also 115 CONG. REC. 28487, 28488, 91st Cong. 1st Sess., Oct. 3, 1969; and 110 CONG. REC. 5147, 88th Cong. 2d Sess., Mar. 12, 1964.

7. 115 CONG. REC. 28487, 28488, 91st Cong. 1st Sess.

The point of order is overruled.⁽⁸⁾

Parliamentarian's Note: Mr. O'Konski and Mr. Chalmers P. Wylie (Ohio) who were both minority members of the Committee on Armed Services, each sought recognition to offer a motion to recommit. Speaker McCormack in overruling 8 Cannon's Precedents §2731 apparently relied on the fact that Mr. O'Konski was the senior minority member of the Committee on Armed Services, the committee that had reported the measure at issue.

§ 27.10 Under the earlier practice, a Member opposed to a conference report "in its present form" was qualified to move to recommit such a report, but if another Member opposed to the report without reservation desired recognition to offer the motion, he was accorded priority.

On Oct. 18, 1949,⁽⁹⁾ the House was considering the conference report on H.R. 5856, the Fair Labor Standards Amendments of 1949. When Mr. A. S. Mike Monroney,

8. See also 116 CONG. REC. 12063, 12092, 91st Cong. 2d Sess., Apr. 16, 1970.

9. 95 CONG. REC. 14943, 81st Cong. 1st Sess.

of Oklahoma, was recognized, the following occurred:

MR. MONRONEY: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:⁽¹⁰⁾ Is the gentleman opposed to the conference report?

MR. MONRONEY: I am, Mr. Speaker, in its present form.

THE SPEAKER: The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Monroney moves to recommit the conference report to the conference committee with instructions to the managers on the part of the House to further insist upon the House provisions for the exemption of employees of newspapers of circulation of 5,000 or under.

MR. [WALTER E.] BREHM [of Ohio]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. BREHM: If I understood the gentleman from Oklahoma correctly, he said he was opposed to the bill in its present form. If I understand the rules correctly, that is incorrect. He is either opposed to it or he is for it. I wonder if the gentleman will state his position?

THE SPEAKER: If the gentleman is opposed to the bill in its present form he would be opposed to it. However, if some other Member had asked to qualify to submit a motion to recommit, and said he was absolutely opposed to the bill, unequivocally, as a gentleman said the other day, then of course the Speaker would recognize him.⁽¹¹⁾

10. Sam Rayburn (Tex.).

11. The rule referred to by Speaker Rayburn has not been invoked in recent

§ 27.11 Under the earlier practice, a Member opposed to a bill without reservation had priority to offer a motion to recommit the bill over one opposed merely to the bill “in its present form”; and where a Member opposed to a bill in its present form offered the motion, the Speaker asked “is there any member opposed without reservation who desires to make such a motion.”

On May 24, 1949,⁽¹²⁾ the House was considering H.R. 4591, relating to pay, allowances, and physical disability retirement for members of the armed forces. Mr. Francis H. Case, of South Dakota, was recognized and the following occurred:

MR. CASE of South Dakota: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:⁽¹³⁾ Is the gentleman opposed to the bill?

MR. CASE of South Dakota: I am, Mr. Speaker, in its present form.

THE SPEAKER: Does any Member desire to offer a motion to recommit without reservation? [After a pause.] The Chair hears none. The gentleman from South Dakota is the only Member that qualifies under the circumstances.

years. Speaker McCormack's rulings (see §§27.8, 27.9, *supra*) reflect the current practice.

12. 95 CONG. REC. 6772, 6773, 81st Cong. 1st Sess.

13. Sam Rayburn (Tex.).

Vote on Recommitted Measure

§ 27.12 A Member making a motion to recommit must qualify as being opposed to the measure under consideration, and is expected to indicate his opposition by voting against passage of the measure if the motion to recommit is rejected; however, where the proponent of a motion to recommit with instructions is successful in having this motion adopted, and the instructions accompanying the motion are agreed to by the House, he remains under no obligation to vote against the bill on final passage.

On Dec. 2, 1969,⁽¹⁴⁾ the House was considering House Resolution 613, affirming its support for President Richard M. Nixon's conduct of war in Viet Nam. Mr. James G. Fulton, of Pennsylvania, moved to recommit the resolution with instructions to the Committee on Foreign Affairs. After his motion was adopted by the House, Mr. Fulton voted in favor of the resolution as amended by that motion.

14. 115 CONG. REC. 36536, 36537, 91st Cong. 1st Sess.

Recognition of Member Favoring Measure

§ 27.13 A Member may be recognized to offer a motion to recommit even though he is not opposed to the bill if no Member opposed seeks recognition.

On Jan. 24, 1946,⁽¹⁵⁾ the House was considering H.R. 5201, appropriations for independent offices for fiscal 1947, when Mr. John Taber, of New York, was recognized.

MR. TABER: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER PRO TEMPORE:⁽¹⁶⁾ Is the gentleman opposed to the bill?

MR. TABER: I am not, Mr. Speaker.

MR. [JOE] HENDRICKS [of Florida]: Mr. Speaker, a point of order.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. HENDRICKS: Did the gentleman from New York say he was against the bill?

MR. TABER: I did not. That relates only to the privilege of offering it. A Member who is opposed to the bill would be entitled to prior recognition.

MR. HENDRICKS: Mr. Speaker, I make the point of order that unless the gentleman is opposed to the bill he cannot offer a motion to recommit.

THE SPEAKER PRO TEMPORE: Is there any Member of the minority party who

is opposed to the bill who desires to offer a motion to recommit? [After a pause.] The Chair hears none.

The Clerk will report the motion to recommit offered by the gentleman from New York.

Proponent of Amendment to Motion to Recommit

§ 27.14 In response to a parliamentary inquiry, the Speaker indicated that if the previous question were voted down on a motion to recommit, the person offering an amendment to the motion would not necessarily have to qualify as being opposed to the bill.

On June 26, 1968,⁽¹⁷⁾ the House was considering H.R. 18037, Labor and HEW appropriations for fiscal 1969. After Mr. Robert H. Michel, of Illinois, was recognized to offer a motion to recommit, Mr. Charles A. Halleck, of Indiana, was recognized to propound a parliamentary inquiry:

MR. HALLECK: Is it not true that under the rules a motion to recommit, under the long-established precedents of the House of Representatives, shall go to the ranking member on the minority side of the committee involved?

THE SPEAKER:⁽¹⁸⁾ The Chair has recognized and complied with that custom

15. 92 CONG. REC. 370, 79th Cong. 2d Sess.

16. John W. McCormack (Mass.).

17. 114 CONG. REC. 18940, 18941, 90th Cong. 2d Sess.

18. John W. McCormack (Mass.).

and practice in recognizing the gentleman from Illinois on the motion to recommit.

MR. MICHEL: Mr. Speaker, a further parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. MICHEL: Is it not also true that for one to qualify to amend a motion to recommit, one would also have to be opposed to the bill?

THE SPEAKER: At that stage, should it develop, not necessarily.

Members of the Minority

§ 27.15 In recognizing a Member for a motion to recommit, the Speaker gives preference to a minority member if opposed to the measure.

On Mar. 29, 1954,⁽¹⁹⁾ the House was considering House Resolution 468, authorizing expenditures to be paid out of the contingent fund of the House. The following occurred:

MR. [AUGUSTINE B.] KELLEY of Pennsylvania: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:⁽²⁰⁾ Is the gentleman opposed to the resolution?

MR. KELLEY of Pennsylvania: I am, Mr. Speaker.

MR. [CLARE E.] HOFFMAN of Michigan: Mr. Speaker, I have a motion to recommit with instructions.

THE SPEAKER: The Chair is obliged to say that, by reason of a time-hon-

ored custom, the motion to recommit belongs to the minority party if they claim the privilege, and in this instance they have claimed it. Therefore, the Chair is constrained to recognize the gentleman from Pennsylvania (Mr. Kelley), for that purpose.⁽¹⁾

§ 27.16 On one occasion, the Speaker intended to recognize the Chairman of the Committee on the Judiciary to offer a motion to recommit, but the Minority Leader claimed that the motion to recommit was the prerogative of the minority and the Speaker recognized a minority member of the Committee on Interstate and Foreign Commerce, the committee which had reported the matter to the House, to offer the motion.

On July 13, 1971,⁽²⁾ the House was considering a resolution (H. Res. 534) certifying the contumacious conduct of Frank Stanton, the president of CBS, as a witness

19. 100 CONG. REC. 3962-67, 83d Cong. 2d Sess.

20. Joseph W. Martin, Jr. (Mass.).

1. See also 101 CONG. REC. 3950, 84th Cong. 1st Sess., Mar. 29, 1955; 92 CONG. REC. 10104, 79th Cong. 2d Sess., July 25, 1946; 89 CONG. REC. 9899, 78th Cong. 1st Sess., Nov. 23, 1943; 88 CONG. REC. 478, 77th Cong. 2d Sess., Jan. 19, 1942; and 86 CONG. REC. 8214, 76th Cong. 3d Sess., June 13, 1940.

2. 117 CONG. REC. 24723, 24752, 24753, 92d Cong. 1st Sess.

before the Committee on Interstate and Foreign Commerce. Mr. Hastings Keith, of Massachusetts, a member of that committee, was recognized to offer a motion to recommit the resolution to the Committee on Interstate and Foreign Commerce.⁽³⁾

Minority Member Opposed to Measure in Its "Present Form"

§ 27.17 Under the prior practice, the Speaker extended recognition to a minority member "opposed to the bill in its present form" over a

3. *Parliamentarian's Note:* The *Congressional Record* indicates only that Mr. Keith, a Republican, was recognized to offer a motion to recommit. However, prior to consideration of the resolution, the Speaker had announced to the press his support of a motion to recommit the resolution to the Committee on the Judiciary for further study of the constitutional questions involved. During consideration of the resolution, however, the Minority Leader, Gerald R. Ford (Mich.), suggested that recognition to offer the motion to recommit was the prerogative of the minority, whereas the Speaker had indicated that he would recognize Emanuel Celler (N.Y.), Chairman of the Committee on the Judiciary, to offer the motion. The Speaker therefore agreed to recognize a minority member of the Committee on Interstate and Foreign Commerce to offer the motion.

majority member with the same qualification where no one stated he was opposed to the bill without qualification.

On July 7, 1949,⁽⁴⁾ the House was considering S. 1008, to define the application of the Federal Trade Commission and the Clayton Act to certain pricing practices. Mr. H. R. Gross, of Iowa, offered a motion to recommit, and the Speaker, Sam Rayburn, of Texas, posed the following question:

THE SPEAKER: Is the gentleman opposed to the bill?

MR. GROSS: I am, in its present form.

THE SPEAKER: Is there anyone opposed to the bill without qualification?

MR. [JOSEPH L.] EVINS [of Tennessee]: Mr. Speaker, I have a motion to recommit.

THE SPEAKER: Is the gentleman from Tennessee opposed to the bill?

MR. EVINS: I am, in its present form.

THE SPEAKER: The gentleman does not qualify any more than the gentleman from Iowa.⁽⁵⁾

Minority Members of Reporting Committee

§ 27.18 In recognizing Members to move to recommit,

4. 95 CONG. REC. 9074, 81st Cong. 1st Sess.
5. *Parliamentarian's Note:* Mr. Evins was a Democrat and hence a member of the majority party in the 81st Congress.

the Speaker gives preference to minority members of the committee reporting the bill.

On June 19, 1959,⁽⁶⁾ the following occurred on the floor of the House:

MR. [WRIGHT] PATMAN [of Texas]: Mr. Speaker, I have a motion to recommit.

MR. [NOAH M.] MASON [of Illinois]: Mr. Speaker, I offer a motion to recommit, which is at the Clerk's desk.

THE SPEAKER:⁽⁷⁾ The gentleman from Illinois [Mr. Mason], a member of the Committee on Ways and Means, and in the minority, has the right to make the motion to recommit.

Is the gentleman from Illinois opposed to the bill?

MR. MASON: I am, Mr. Speaker.

THE SPEAKER: The Clerk will report the motion to recommit.

§ 27.19 On one occasion a minority member of a committee reporting a bill offered a straight motion to recommit (having qualified as being opposed to the bill), and then voted against that motion.

On Sept. 16, 1971,⁽⁸⁾ the House was considering H.R. 1746, the Equal Employment Opportunity Act of 1971. Mr. John M.

6. 105 CONG. REC. 11372, 86th Cong. 1st Sess.

7. Sam Rayburn (Tex.).

8. 117 CONG. REC. 32112, 92d Cong. 1st Sess.

Ashbrook, of Ohio, was then recognized.

MR. ASHBROOK: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:⁽⁹⁾ Is the gentleman opposed to the bill?

MR. ASHBROOK: I am, Mr. Speaker.

THE SPEAKER: The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Ashbrook moves that the bill H.R. 1746 be recommitted to the Committee on Education and Labor. . . .

The yeas and nays were ordered.

The question was taken; and there were—yeas 130, nays 270, not voting 33.

Mr. Ashbrook was listed among those voting nay.

Recognizing Minority Members of Reporting Committee

§ 27.20 In recognizing Members to move to recommit, the Speaker gives preference first to the ranking minority member of the committee reporting the bill; then to the remaining minority members of that committee in the order of their rank.

On June 18, 1957,⁽¹⁰⁾ the House was considering H.R. 6127, a civil rights bill. Mr. Joseph W. Martin,

9. Carl Albert (Okla.).

10. 103 CONG. REC. 9516, 9517, 85th Cong. 1st Sess.

Jr., of Massachusetts, inquired as to the relative priorities in recognition to offer the motion to recommit. The Speaker, Sam Rayburn, of Texas, responded to the inquiry by citing a ruling by former Speaker Champ Clark:

THE SPEAKER: The Chair in answer to that will ask the Clerk to read the holding of Mr. Speaker Champ Clark, which is found in volume 8 of Cannon's Precedents of the House of Representatives, section 2767.

The Clerk read as follows:

The Chair laid down this rule, from which he never intends to depart unless overruled by the House, that on a motion to recommit he will give preference to the gentleman at the head of the minority list, provided he qualifies, and then go down the list of the minority of the committee until it is gotten through with. And then if no one of them offer a motion to recommit the Chair will recognize the gentleman from Kansas (Mr. Murdock), as the leader of the third party in the House. Of course he would have to qualify. The Chair will state it again. The present occupant of the chair laid down a rule here about a year ago that in making this preferential motion for recommitment the Speaker would recognize the top man on the minority of the committee if he qualified—that is, if he says he is opposed to the bill—and so on down to the end of the minority list of the committee. . . .

THE SPEAKER: . . . In looking over this list, the Chair has gone down the list and will make the decision when someone arises to make a motion to recommit. The Chair does not know entirely who is going to seek recognition.

MR. [RICHARD H.] POFF [of Virginia]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. POFF: I am, Mr. Speaker.

MR. [RUSSELL W.] KEENEY [of Illinois]: Mr. Speaker, I also offer a motion to recommit, and I, too, am opposed to the bill.

THE SPEAKER: In this instance the Chair finds that no one has arisen who is a member of the minority of the Committee on the Judiciary until it comes down to the name of the gentleman from Virginia [Mr. Poff]. He ranks the gentleman from Illinois [Mr. Keeney] and is therefore senior. Under the rules and precedents of the House, the Chair therefore must recognize the gentleman from Virginia [Mr. Poff].⁽¹¹⁾

§ 27.21 Members of the committee reporting a measure are entitled to prior recognition for the purpose of offering a motion to recommit if they qualify as being opposed to the measure.

Parliamentarian's Note: On June 29, 1937,⁽¹²⁾ the House was considering H.R. 7562, the farm tenancy bill. The Speaker, William B. Bankhead, of Alabama, recognized Mr. Gerald J. Boileau,

11. See also 116 CONG. REC. 17327, 91st Cong. 2d Sess., May 28, 1970; and 114 CONG. REC. 18914, 90th Cong. 2d Sess., June 26, 1968.

12. 81 CONG. REC. 6580, 6581, 75th Cong. 1st Sess.

of Wisconsin, to offer a motion to recommit, although Mr. Joseph W. Martin, Jr., of Massachusetts, was also on his feet attempting to offer a motion to recommit. Since Mr. Boileau was a member of the Committee on Agriculture and Mr. Martin was not, the Speaker accorded prior recognition to Mr. Boileau. Upon discovering that Mr. Boileau was not opposed to the measure, the Speaker recognized Mr. Martin to offer his motion to recommit.

§ 27.22 Recognition to offer a motion to recommit was extended to a minority member of the committee which reported the bill under consideration, who qualified as being opposed to the bill “in its present form,” although a majority member of the committee, totally opposed to the bill, was on his feet seeking recognition.

Parliamentarian's Note: On June 30, 1969,⁽¹³⁾ the House was considering H.R. 12290, continuing an income tax surcharge and certain excise taxes through fiscal 1970.

The Speaker⁽¹⁴⁾ recognized Mr. Charles E. Chamberlain, of Michi-

gan, who opposed the bill “in its present form,” to offer a motion to recommit, although a member of the majority party who was totally opposed to the bill was on his feet seeking recognition.

MR. CHAMBERLAIN: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. CHAMBERLAIN: I am, Mr. Speaker, in its present form.

THE SPEAKER: The Clerk will report the motion to recommit.

§ 27.23 A member of the committee reporting a measure, if opposed to the bill in its final form, is entitled to move to recommit over one not a member of the committee.

On Oct. 9, 1951,⁽¹⁵⁾ the House was considering S. 1959, to amend the National Labor Relations Act. After Mr. Clare E. Hoffman, of Michigan, offered a motion to recommit Mr. Cleveland M. Bailey, of West Virginia, a member of the majority, rose with a parliamentary inquiry:

MR. BAILEY: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽¹⁶⁾ The gentleman will state it.

MR. BAILEY: Mr. Speaker, as a member of the Committee on Education and

13. 115 CONG. REC. 17874, 91st Cong. 1st Sess.

14. John W. McCormack (Mass.).

15. 97 CONG. REC. 12863, 82d Cong. 1st Sess.

16. Sam Rayburn (Tex.).

Labor, do I not have the privilege of recognition?

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. HALLECK: May I inquire if it is not the practice and the rules of the House of Representatives that the right to offer a motion to recommit goes first to someone on the minority side?

THE SPEAKER: In response to the gentleman from Indiana, that is correct, if he is a member of the committee, reporting the bill. The Chair quotes from page 301 of Cannon's procedure in the House of Representatives as follows:

A member of the committee reporting the measure and opposed to it is entitled to recognition to move to recommit over one not a member of the committee.

MR. [WALTER E.] BREHM [of Ohio]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: The Chair will hold that the gentleman is not too late in offering the motion. Is the gentleman opposed to the bill?

MR. BREHM: I am, Mr. Speaker.

THE SPEAKER: The Clerk will report the motion, and that motion must be in writing.⁽¹⁷⁾

§ 27.24 On one occasion a minority member of the Com-

17. *Parliamentarian's Note:* Both Mr. Brehm and Mr. Hoffman were members of the minority party, however, Mr. Brehm was a member of the Committee on Education and Labor and Mr. Hoffman was not.

mittee on Ways and Means, which had considered title three of a bill reported by the Committee on Public Works, was recognized to offer a straight motion to recommit to the Committee on Public Works, although a minority member of the Committee on Public Works also opposed to the bill, sought to offer a motion to recommit with instructions.

On Nov. 25, 1970,⁽¹⁸⁾ the House was considering H.R. 19504, relating to federal aid for highway construction. The Speaker, John W. McCormack, of Massachusetts, recognized Mr. Joel T. Broyhill, of Virginia, to offer a motion to recommit:

MR. BROYHILL of Virginia: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman from Virginia opposed to the bill?

MR. BROYHILL of Virginia: I am, Mr. Speaker.

MR. [FRED] SCHWENGEL [of Iowa]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state the parliamentary inquiry.

MR. SCHWENGEL: Mr. Speaker, I speak as a member of the Committee on Public Works. This is a public works bill. I have a recommittal motion at the desk which was filed earlier this afternoon.

18. 116 CONG. REC. 38997, 91st Cong. 2d Sess.

THE SPEAKER: The Chair will state that title III of the bill is a provision that has come from the Committee on Ways and Means. The gentleman from Virginia [Mr. Broyhill] is a member of the Committee on Ways and Means.

Parliamentarian's Note: Mr. Broyhill had been a Member of Congress since the onset of the 83d Congress. Mr. Schwengel had begun his service with the 84th Congress, and after being defeated for a term in the 89th Congress, returned with the 90th Congress.

Recognizing Majority Member Opposed to Measure

§ 27.25 Where no Member from the minority side seeks recognition to offer a motion to recommit, the Chair recognizes a Member from the majority side who qualifies as being opposed to measure.

On Apr. 5, 1967,⁽¹⁹⁾ the House was considering House Resolution 221, appropriating funds for the administration of the House. After the Speaker, John W. McCormack, of Massachusetts, ruled out on a point of order a motion to recommit offered by Mr. John Ashbrook, of Ohio, Mr. Sidney R. Yates, of Illinois, was recognized on a parliamentary inquiry:

MR. YATES: Mr. Speaker, in view of the fact that the Chair ruled out the

19. 113 CONG. REC. 8441, 8442, 90th Cong. 1st Sess.

motion to recommit made by a member of the minority, is it in order for the gentleman from California [Mr. Edwards], who is on his feet seeking recognition to offer a motion to recommit?

THE SPEAKER: If no Member on the minority side seeks recognition to offer a motion to recommit, then a Member on the majority side may be recognized to offer a motion to recommit.

MR. [DON] EDWARDS of California: Mr. Speaker—

THE SPEAKER: For what purpose does the gentleman from California rise?

MR. EDWARDS of California: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the resolution?

MR. EDWARDS of California: I am, Mr. Speaker.

THE SPEAKER: The gentleman qualifies.

The Clerk will report the motion to recommit.⁽²⁰⁾

Floor Manager of Measure

§ 27.26 The chairman of the committee reporting a bill who had managed the bill during its consideration on the floor of the House offered

20. See also 111 CONG. REC. 25663, 89th Cong. 1st Sess., Sept. 30, 1965; 110 CONG. REC. 20120, 88th Cong. 2d Sess., Aug. 18, 1964; 94 CONG. REC. 8014, 80th Cong. 2d Sess., June 12, 1948; 93 CONG. REC. 7845, 80th Cong. 1st Sess., June 27, 1947; and 92 CONG. REC. 9776, 79th Cong. 2d Sess., July 23, 1946.

a motion to recommit with instructions to report it back with an amendment which he had offered, and which had been rejected, in the Committee of the Whole.

On Apr. 22, 1968,⁽¹⁾ the House was considering H.R. 16409, the District of Columbia Teachers' Salary Act. After the bill was read for the third time, John L. McMillan, of South Carolina, the Chairman of the Committee on the District of Columbia rose to his feet:

MR. McMILLAN: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:⁽²⁾ Is the gentleman opposed to the bill?

MR. McMILLAN: In its present form I am opposed to the bill.

THE SPEAKER: The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McMillan moves to recommit the bill H.R. 16409 to the Committee on the District of Columbia with instructions to report the bill back forthwith with the following amendment: On page 2, strike out the salary schedule beginning after line 2 and ending before line 1 on page 4 and insert in lieu thereof the following: . . .

MR. McMILLAN (during the reading): Mr. Speaker, I ask unanimous consent to dispense with further reading of the motion to recommit and that it be printed in the Record.

1. 114 CONG. REC. 10126, 10130, 90th Cong. 2d Sess.
2. John W. McCormack (Mass.).

THE SPEAKER: Is there objection to the request of the gentleman from South Carolina?

MR. [JOEL T.] BROYHILL of Virginia: Reserving the right to object, is the amendment the gentleman has offered as a motion to recommit the same amendment which the gentleman offered during the debate on the bill which would reduce the salary structure by \$200?

MR. McMILLAN: Two hundred dollars across the board.

THE SPEAKER: Is there objection to the request of the gentleman from South Carolina?

There was no objection.

THE SPEAKER: Without objection, the previous question is ordered on the motion to recommit.

§28 Offering the Motion; Procedure

Oral or Written Motions

§ 28.1 Motions to recommit must be sent to the Speaker's desk and are required to be in writing.

On June 16, 1949,⁽³⁾ the House was considering H.R. 4963, providing for the appointment of additional circuit and district judges. After the Speaker, Sam Rayburn, of Texas, announced that the question was on the passage of the bill, Mr. Carl T. Curtis, of Ne-

3. 95 CONG. REC. 7855, 7856, 81st Cong. 1st Sess.